

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-3, 15 and 20, drawn to Method of making a seamless capsule and the seamless capsule.

Group II, claim(s) 4-12, 13, 14, 16-19, drawn to the device used to make the capsule.

2. The inventions listed as Groups I do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common technical feature in both groups is the manufacturing seamless microcapsules by injecting drops from a nozzle such that each liquid drop is deformed to show an aspherical profile by changing flow rate of the hardening liquid. This element cannot be a special technical feature under PCT Rule 13.2 because the element is shown in the prior art. GB 1,134,535 (already of record) teaches producing seamless capsules by extruding liquid drops to provide an elongated deformed profile and changing the flow rate of the carrier fluid (hardening fluid) (see page 3, line 35-55 and claim6).

3. A telephone call was made to Douglas Hahm on 02/10/2009 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARIRA POURBOHLOUL whose telephone number is (571)270-7744. The examiner can normally be reached on M-Th, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on 571-272-1260. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. P./

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***/Angela Ortiz/  
Supervisory Patent Examiner, Art Unit 4151***